

REFERENCE TITLE: sex offenders; annual community notification

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2490

Introduced by
Representative Knaperek

AN ACT

AMENDING SECTION 13-3825, ARIZONA REVISED STATUTES; RELATING TO SEX OFFENDER REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3825, Arizona Revised Statutes, is amended to
3 read:

4 13-3825. Community notification

5 A. Within seventy-two hours after a person who was convicted is
6 released from confinement or who was accepted under the interstate compact
7 for the supervision of parolees and probationers and has arrived in this
8 state, the agency that had custody or responsibility for supervision of the
9 person who was convicted of committing an offense for which the person was
10 required or ordered by the court to register pursuant to section 13-3821 or
11 that has accepted supervision under the interstate compact for the
12 supervision of parolees and probationers shall provide all of the following
13 information to the department of public safety by entering all of the
14 following information into the sex offender profile and notification
15 database:

16 1. The offender's identifying information.

17 2. A risk assessment of the offender.

18 3. The offender's date of release from confinement or, if the offender
19 is sentenced to probation without jail time, the date the sentence is
20 imposed.

21 B. Following the tenth day after the person is released from
22 confinement or, if the offender is sentenced to probation without jail time,
23 the date the sentence is imposed, the department of public safety shall
24 cross-reference the information the department receives pursuant to
25 subsection A of this section with the sex offender registry to determine if
26 the person is registered as required or ordered by the court pursuant to
27 section 13-3821. If the person is not registered, the department of public
28 safety shall notify the county attorney in the county in which the person was
29 convicted or the interstate compact administrator for this state. If the
30 person is registered, the department of public safety shall forward the
31 information the department received pursuant to subsection A of this section
32 to the sheriff in the county where the person is registered.

33 C. After receiving the information pursuant to subsection B of this
34 section, the sheriff shall forward the information to the chief law
35 enforcement officer of the community in which the person resides. After
36 reviewing the information received and any other information available to the
37 local law enforcement agency, the local law enforcement agency shall
38 categorize each offender and place each offender into a notification level.
39 ~~Within forty-five days,~~ The local law enforcement agency shall notify the
40 community **EACH YEAR of ALL OF the offender's presence OFFENDERS WHO CURRENTLY**
RESIDE in the community pursuant to the guidelines established by the
41 community notification guidelines committee. If the community does not have
42 a chief law enforcement officer, the sheriff shall perform the duties of the
43 local law enforcement agency.

1 D. If a person who has been convicted of an offense in another state
2 registers pursuant to section 13-3821, subsection A, the sheriff in the
3 county in which the person registers shall forward the information to the
4 chief law enforcement officer of the community in which the person resides.
5 The chief law enforcement officer shall contact the state in which the person
6 was convicted and shall obtain information regarding the person. After
7 reviewing the information received and any other information available, the
8 local law enforcement agency shall complete the risk assessment, shall
9 categorize the person, shall place the person into a notification level and
10 shall enter the information into the computer system. If the law enforcement
11 agency is unable to obtain sufficient information to complete the sex
12 offender community notification risk assessment, the agency shall categorize
13 the offender as a level two offender. Within forty-five days, the local law
14 enforcement agency shall notify the community of the person's presence in the
15 community pursuant to the guidelines established by the community
16 notification guidelines committee. If the community does not have a chief
17 law enforcement officer, the sheriff shall perform the duties of the local
18 law enforcement agency.

19 E. On receiving notice pursuant to section 13-3822 that a person who
20 is required to register has moved from the person's address, the chief law
21 enforcement officer of the community to which the person has relocated may
22 notify that community of the person's relocation to the community, pursuant
23 to subsection C of this section. If the community does not have a local law
24 enforcement agency, the sheriff of the county to which the person has
25 relocated shall notify the community of the person's relocation.

26 F. In cooperation with the county probation department or the state
27 department of corrections, a law enforcement agency may delegate all or part
28 of the notification process for offenders on community supervision to the
29 county probation department or to the state department of corrections, as
30 appropriate.

31 G. Information concerning a person who is required to register
32 pursuant to section 13-3821 and who is subject to the provisions of community
33 notification and who is a student at a public or private institution of
34 postsecondary education or who is employed or carries on a vocation, with or
35 without compensation, at a public or private institution of postsecondary
36 education shall be promptly made available by the county sheriff to the law
37 enforcement agency having jurisdiction for performing community notification
38 pursuant to guidelines adopted under section 13-3826. The law enforcement
39 agency shall notify the institution's administration and shall complete
40 appropriate campus notification pursuant to guidelines adopted under section
41 13-3826.

42 H. This section does not prohibit law enforcement officers from giving
43 a community notice of any circumstances or persons that pose a danger to the
44 community under circumstances that are not provided for under this section.

1 I. Except as provided in subsection J of this section, this section
2 applies to all persons who are subject to the registration requirements in
3 section 13-3821 whether or not the person was convicted before or after June
4 1, 1996.

5 J. This section does not apply to persons subject to the registration
6 requirements in section 13-3821 as a result of offenses adjudicated by a
7 juvenile court unless ordered by the court.

8 K. Notwithstanding ~~section 13-3825~~, subsections B and C **OF THIS**
9 **SECTION**, the agency that had custody or responsibility for supervision of an
10 offender or the court that sentenced the offender who was convicted of
11 committing an offense that subjects the offender to the registration
12 requirements of section 13-3821 and who committed the offense before June 1,
13 1996 may conduct a risk assessment for the offender as existing resources are
14 available pursuant to guidelines adopted by the community notifications
15 guidelines committee pursuant to section 13-3826. Community notification
16 pursuant to **THIS** section ~~13-3825~~ and sex offender web site notification
17 pursuant to section 13-3827 shall only be conducted after the risk assessment
18 is complete.